

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
SUPER SERVICE, INC.)	FINDING OF VIOLATION
Milwaukee, Wisconsin)	EPA-5-99-WI-15
)	
PROCEEDINGS PURSUANT TO)	
SECTION 113 OF THE CLEAN AIR)	
<u>ACT, 42 U.S.C. § 7413</u>)	

STATUTORY AUTHORITY

The Administrator of the United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Wisconsin and Super Service, Inc. (Super Service) that the Administrator of the U.S. EPA finds Super Service has violated the following provisions of the Clean Air Act (the Act), as amended, 42 U.S.C. §§ 7401 through 7671q, and its regulations:

- A. Section 609 of the Act, 42 U.S.C. § 7671h, and its implementing regulations at 40 C.F.R. Part 82, Subpart B; and
- B. The regulations implementing Section 612 of the Act, 42 U.S.C. § 7671k, at 40 C.F.R. Part 82, Subpart G

at Super Service, Inc.'s facility at 10712 W. Hampton Ave., Milwaukee, Wisconsin.

STATUTORY AND REGULATORY BACKGROUND

- 1. Section 609(a) of the Act, 42 U.S.C. § 7671h(a), authorizes the Administrator of the U.S. EPA ("Administrator") to promulgate regulations establishing standards and requirements for servicing motor vehicle air conditioners.
- 2. Section 609(c) of the Act, 42 U.S.C. § 7671h(c), provides in part:

[n]o person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner ... unless such person has been properly trained and certified.

3. On July 14, 1992, the Administrator initially promulgated regulations pursuant to Section 609(a) of the Act, 42 U.S.C. § 7671h(a). These regulations have been subsequently amended and are codified at 40 C.F.R. Part 82, Subpart B (40 C.F.R. §§ 82.30 through 82.42 and Appendices A through F).
4. 40 C.F.R. § 82.42(a)(1) states, in part, that "No later than January 1, 1993, any person repairing or servicing motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified"
5. Section 602(b) of the Act, 42 U.S.C. § 7671a(b), requires the Administrator to publish lists of Class I and Class II substances containing specified chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons, respectively, and to add to those lists any other substance that is known or may reasonably be anticipated to cause or contribute to harmful effects on the stratospheric ozone layer.
6. Section 612(c) of the Act, 42 U.S.C. § 7671k(c), requires the Administrator to promulgate rules providing that it shall be unlawful to replace any Class I or Class II substance with any substitute substance that the Administrator determines may present adverse effects to human health or the environment, where the Administrator has identified an alternative that (1) reduces overall risk to human health and the environment and (2) is currently or potentially available, and further requires the Administrator to publish a list of safe alternatives for specific uses.
7. On October 16, 1996, the Administrator promulgated regulations pursuant to Section 612(c) of the Act, 42 U.S.C. § 7671k(c). These regulations are codified at 40 C.F.R. Part 82, Subpart G (40 C.F.R. §§ 82.170 through 82.184 and Appendices A through D).
8. 40 C.F.R. § 82.174(c) states that "[n]o person may use a substitute without adhering to any use restrictions set by the acceptability decision, after the effective date of any rulemaking imposing such restrictions."
9. 40 C.F.R. Part 82 Subpart G, Appendix D, which became effective on November 15, 1996, states, in part, that

"[e]ach refrigerant may only be used with a set of fittings that is unique to that refrigerant," and further specifies the criteria those fittings must meet when existing air conditioner service ports are retrofitted.

10. 40 C.F.R. Part 82 Subpart G, Appendix D further states that when performing a retrofit, the person conducting the retrofit must apply to the air conditioning system in the engine compartment a label containing specified information.

STATEMENT OF FACTS

11. Super Service, Inc. (Super Service) is a Wisconsin corporation with a facility located at 10712 W. Hampton Avenue, Milwaukee, Wisconsin.
12. Super Service repairs or services motor vehicles for consideration.
13. During 1998, Super Service purchased one cylinder of McCool Chill-It, and thereafter charged six to seven motor vehicle air conditioners with that substance.
14. McCool Chill-It is a Class II ozone depleting refrigerant substitute blend.
15. Super Service did not charge the motor vehicle air conditioners with McCool Chill-It using properly trained and certified technicians.
16. Super Service did not retrofit with the appropriate fittings the motor vehicle air conditioners that were charged with McCool Chill-It.
17. Super Service did not place the required labels on the motor vehicle air conditioners that were charged with McCool Chill-It.

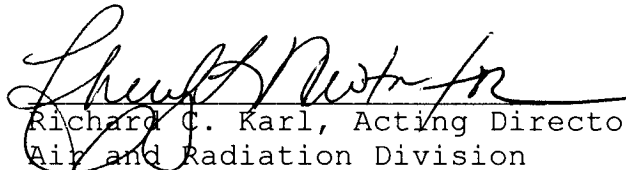
FINDINGS OF VIOLATION

18. Each instance in which Super Service serviced a motor vehicle air conditioner with McCool Chill-It without using properly trained and certified technicians is a violation of Section 609(c) of the Act, 42 U.S.C. § 7671h(c) and 40 C.F.R. § 82.42(a)(1).

19. Each instance in which Super Service failed to install the required unique fittings on a motor vehicle air conditioner it charged with McCool Chill-It is a violation of 40 C.F.R. § 82.174(c).
20. Each instance in which Super Service failed to apply a warning label to a motor vehicle air conditioner it charged with McCool Chill-It is a violation of 40 C.F.R. § 82.174(c).

WHEREFORE, the U.S. EPA hereby notifies Super Service, Inc., and the State of Wisconsin that Super Service, Inc., violated the Clean Air Act in the manner set forth in this Finding of Violation.

Date: 3/24/99


Richard C. Karl, Acting Director
Air and Radiation Division